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9 Attorneys for Defendants
 10 MATSON NAVIGATION COMPANY, INC.
 10 AND ALEXANDER & BALDWIN, INC.

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA: SAN FRANCISCO DIVISION

14
 15 ROBERT H. STEINBERG, Individually and on) Case No. 08-cv-02402 VRW
 15 Behalf of All Others Similarly Situated,)
 16 Plaintiff,) **ADMINISTRATIVE MOTION TO**
 16) **CONSIDER WHETHER CASES SHOULD**
 17 v.) **BE RELATED**
 18 MATSON NAVIGATION COMPANY, INC.,)
 19 et al.)
 20 Defendants)
 21 -----)
 21 E&M INTERNATIONAL TRANSPORT, INC.,) Case No. 08-cv-03537 MEJ
 22 Individually and on Behalf of All Others)
 22 Similarly Situated,)
 23 Plaintiff,)
 24 v.)
 25 HORIZON LINES, INC., et al.)
 26 Defendants.)
 27
 28

1 TO THE COURT AND ALL PARTIES AND COUNSEL OF RECORD:
 2 PLEASE TAKE NOTICE THAT, pursuant to Civ. L.R. 3-12, Defendants Matson
 3 Navigation Company, Inc. and Alexander & Baldwin, Inc., hereby give notice that the following
 4 two cases are related within the meaning of Civ. L.R. 3-12:

5 • *Robert H. Steinberg, et al. v. Matson Navigation Company, Inc., Alexander &*
 6 *Baldwin, Inc., Horizon Lines, Inc., and Horizon Lines LLC*, 08-cv-02402-VRW (“*Steinberg*”); and
 7 • *E&M International Transport, Inc., et al. v. Horizon Lines, Inc., Horizon Lines,*
 8 *LLC, Matson Navigation Company, Inc., and Alexander & Baldwin, Inc.*, 08-cv-03537-MEJ
 9 (“*E&M International*”).

10 *Steinberg* is a civil action currently pending in the Northern District of California before
 11 the Honorable Vaughn R. Walker. *E&M International* is a civil action currently pending in the
 12 Northern District of California before the Honorable Maria Elena-James. *Steinberg* was filed prior
 13 to *E&M International* and, as such, is assigned the lower case number.

14 This Administrative Motion is made pursuant to Local Rule 3-12(a), which provides that
 15 actions are related when:

16 (1) The actions concern substantially the same parties, property, transaction or event;
 17 and
 18 (2) It appears likely that there will be an unduly burdensome duplication of labor and
 19 expense or conflicting results if the cases are conducted before different judges.

20 *Steinberg* and *E&M International* are related within the meaning of Civ. L.R. 3-12. Both
 21 cases involve allegations of violations of antitrust statutes in connection with ocean shipping
 22 services. Specifically, both actions allege that the Matson and Horizon defendants agreed,
 23 combined, or conspired with each other to fix, raise, maintain and/or stabilize prices of
 24 noncontiguous domestic ocean shipping and/or to allocate markets and/or customers for those
 25 services in the United States. Plaintiffs in both actions name the same defendants. At least three
 26 other, similar matters have been assigned or reassigned to Judge Walker.¹

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 28 ¹ Those matters are: *Acutron, Inc. v. Matson Navigation Company, Inc., et al.*, 08-cv-02600-VRW; *50th State Distributors, Inc. v. Matson Navigation Company, Inc., et al.*, 08-cv-02603-

The factual and legal matters presented in *Steinberg* and *E&M International* will be largely identical. Whereas assignment to separate judges will create an unduly burdensome duplication of labor, generate unneeded expense, and may lead to conflicting results, assignment to a single judge will conserve judicial resources and lead to more efficient determination of all the actions.²

Defendants Matson Navigation Company, Inc. and Alexander & Baldwin, Inc. respectfully request that the *E&M International* action be related to the *Steinberg* action.³

Dated: July 29, 2008

GIBSON, DUNN & CRUTCHER, LLP

/s/

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VRW; and *Winkler Woods, LLC v. Matson Navigation Co., Inc., et al.*, 08-cv-03169-VRW.

² There are currently two MDL proceedings involving at least fourteen complaints alleging antitrust violations by the Matson and Horizon defendants in the noncontiguous domestic ocean shipping industry. *In Re: Hawaiian Cabotage Antitrust Litigation*, MDL No. 1970; *In Re: Pacific Ocean Cabotage Antitrust Litigation*, MDL No. 1972. The Steinberg plaintiffs have been identified as interested parties to both proceedings, while *E&M International* has been identified as a potential tag-along action.

³ By filing this Notice of a Related Case, Defendants Matson Navigation Company, Inc. and Alexander & Baldwin, Inc. do not consent to proceed before a United States Magistrate Judge.